



3731

Docket No. END-786

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jesse J. Kuhns, et al.

Serial No. : 10/015,631 Art Unit: 3731

Filed : December 10, 2001 Examiner: Robert Muromoto

For : SURGICAL INSTRUMENT HAVING A FASTENER DELIVERY MECHANISM

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231 on

May 13, 2003
(Date of Deposit)

Kimberly M. Moses
Name of person signing the Certificate

May 13, 2003
(Date of Signature)

Commissioner for Patents
Washington, D.C. 20231

RECEIVED

MAY 20 2003

TECHNOLOGY CENTER R3700

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on December 10, 2001.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with **§1.97(b)**, since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in **§1.491**, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with **§1.129(a)**, this Information Disclosure Statement is being filed in connection with the first or second After Final Submission, therefore:

Statement in Accordance with **§1.97(e)** (attached); or
 Please charge Deposit Account No. 10-0750/ / the fee of **\$180.00** as set forth in **§1.17(p)**.

In accordance with **§1.97(c)**, this Information Disclosure Statement is being filed after the period set forth in **§1.97(b)** above but before the mailing date of either a Final Action under **§1.113** or a Notice of Allowance under **§1.311**, or an action that otherwise closes prosecution and that it is accompanied by one of:

Statement in Accordance with **§1.97(e)** (attached); or
 Please charge Deposit Account No. 10-0750/ / the fee of **\$180.00** as set forth in **§1.17(p)**.

In accordance with **§1.97(d)**, this Information Disclosure Statement is being filed after the mailing date of either a Final Action under **§1.113** or a Notice of Allowance under **§1.311** but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with **§1.97(e)** as set forth below and the fee of **\$180.00** as set forth in **§1.17(p)**.

Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows:

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed December 10, 2001.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

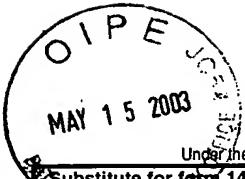
Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/END-786/DLG. This form is submitted in triplicate.

Respectfully submitted,



Dean L. Garner
Reg. No. 35,877
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(513) 337-8559
DATED: May 13, 2003



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

<i>Application Number</i>	10/015,631
<i>Filing Date</i>	December 10, 2001
<i>First Named Inventor</i>	Jesse J. Kuhns et al.
<i>Group Art Unit</i>	3731
<i>Examiner Name</i>	Robert Muromoto
<i>Attorney Docket Number</i>	END-786

U.S. PATENT DOCUMENTS

RECEIVED
MAY 20 2003
TECHNOLOGY CENTER R3700

FOREIGN PATENT DOCUMENTS

Examiner Signature	Date Considered	
-----------------------	--------------------	--

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20591.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for Form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

<u>Application Number</u>	10/015,631
<u>Filing Date</u>	December 10, 2001
<u>First Named Inventor</u>	Jesse J. Kuhns et al.
<u>Group Art Unit</u>	3731
<u>Examiner Name</u>	Robert Muromoto
<u>Attorney Docket Number</u>	END-786

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

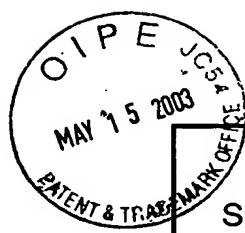
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



SUBMISSION UNDER MPEP 609 D

Page 1 of 1

Application Number	10/015,631
Filing Date	December 10, 2001
First Named Inventor	Jesse K. Kuhns et al
Group Art Unit	3731
Examiner Name	Robert Muromoto
Attorney Docket Number	END-786

U.S. PATENT DOCUMENTS

RECEIVED
MAY 20 2003
TECHNOLOGY CENTER P3700

FOREIGN PATENT DOCUMENTS

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--